

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 23-3095

September Term, 2022

1:21-cr-00623-CRC-2

Filed On: August 23, 2023

United States of America,

Appellee

v.

Kirstyn Ashley Niemela,

Appellant

BEFORE: Henderson, Pillard, and Childs, Circuit Judges

ORDER

Upon consideration of the emergency motion for release pending appeal, styled as an emergency motion for stay, the opposition thereto, and the reply; and the notice of intention to proceed pro se, it is

ORDERED that the motion be denied. Appellant has not shown that this appeal presents a substantial question of law or fact likely to result in reversal, an order for a new trial, a sentence that does not include a term of imprisonment, or a reduced sentence to a term of imprisonment less than the total of the time already served plus the expected duration of the appeal process. See 18 U.S.C. § 3143(b)(1)(B).

Because appellant has a constitutional right to assistance of counsel on direct appeal, Douglas v. California, 372 U.S. 353 (1963), and the Supreme Court has recognized indigent defendants pursuing the first level of appellate review are “generally ill equipped to represent themselves,” Halbert v. Michigan, 545 U.S. 605, 617 (2005), the Clerk is directed to attach to this order a letter explaining the consequences of self-representation.

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The Clerk is directed to send a copy of this order with the attached letter to appellant by whatever means necessary to ensure receipt.

Per Curiam

FOR THE COURT:
Mark J. Langer, Clerk

BY: */s/*
Scott H. Atchue
Deputy Clerk